



**Village of Westmont
Planning & Zoning Commission
March 01, 2023 - Approved Minutes**

The Village of Westmont Planning and Zoning Commission held a special meeting on Wednesday, **March 01, 2023 at 7:00 p.m.**, at the Westmont Village Hall located at 31 W. Quincy Street, Westmont, Illinois 60559.

Chair Doug Carmichael led in the following:

- 1. Call to Order**
- 2. Roll Call**

In Attendance: Chair Doug Carmichael, Commissioners Wallace Van Buren, Craig Thomas, Chris Lavoie, Matt Scales, Harold Barry III, Jill Peterson, Village Attorney John Zemenak, and Deputy Director of Community Development Joseph Hennerfeind.

- 3. Pledge of Allegiance**
- 4. Swearing-in of testifying attendees**
- 5. Reminder to silence all electronic devices**
- 6. Reminder to sign-in for any public testimony**
- 7. Open Forum - No one spoke during Open Forum.**
- 8. Review of Public Hearing Procedures**

Commissioner Carmichael amended the procedure to allow the opening of PZC 059-2022 and PZC 60-2022 allowing both cases to be heard and comments addressed simultaneously.

- 9. Open Hearing**

New Business

PZC 059-2022 Requests from WCW Landowner, LLC, regarding the property at 3500 Midwest Road, Oak Brook, Illinois, 60523 for the following:

- (A) Zoning Ordinance Variance request to permit an off-premises ground sign.
- (B) Preliminary Plat of Subdivision to subdivide one (1) parcel into five (5) lots.

Presentation: Russ Whitaker representing the petitioner (property owner), thanked the Commissioners. Whitaker provided the Commission with the history of the Willow Crest Golf Course and discussed the limitations that the golf course faces in the present. Whitaker also gave an update on the investment from the properties ownership since acquisition. Whitaker also noted that the ownership has negotiated a conservation easement for the front nine holes that would remain open space in perpetuity and has the support of the Westmont Park District pursuant of approvals. Whitaker indicated that the lots 1 and 4 of the proposed preliminary plat of subdivision are a part of the proposed nine hole golf course and subject to the conservation agreement. Whitaker summarized that lot 3 is not included in the conservation easement and includes water detention for the hotel but could be added to the hotel property in the future. Whitaker explained that lot 5 will be retained for the purposes of the hotel including a variance request for an off premise sign. Whitaker added that lot 2 which contains 48 acres, would be positioned for redevelopment.

Staff Comment: Deputy Director of Community Development Joseph Hennerfeind discussed the request being sought for a preliminary plat of subdivision and a variance for an existing sign. Hennerfeind gave a brief history of the previous requests of the petitioner. Hennerfeind gave a synopsis of the proposed 5 lots subdivision. Hennerfeind explained that lot 1 is the remaining 9 hole golf course and is located in the conservation easement,



lot 2 is the 52-acres lot proposed for development, lot 3 contains the largest detention pond and has potential for the hotel to expand, lot 4 would be retained by the hotel for outdoor space and is located in the conservation easement, lot 5 is the location of the current Hilton sign. Hennerfeind also explained that the petitioner's variance request is for an off-premise sign and the existing sign is considered legal non-conforming. Hennerfeind detailed that the variance request is to solidify the permission to have the off-premise sign and to have the ability to replace it if needed. Hennerfeind summarized three extraneous documents that the petitioner provided: a 1985 agreement for access and shared water detention for the current homes on the lot; a draft document for proposed changes to the 1985 agreement; and a proposed conservation easement. Hennerfeind also noted that if the park district ever gained control of the conservation easement area, they would have to seek approval to program the property.

PZC 060-2022 Requests from WCW Landowner, LLC (Owner), and Core PBSFR Acquisition Vehicle, LLC (Petitioner), regarding the property at 3500 Midwest Road, Oak Brook, Illinois, 60523 for the following:

- (A) Comprehensive Plan Amendment to redesignate approximately 52.8 acres from Parks/Open Space to Single Family Detached Residential.
- (B) Special Use Permit request to allow residential dwelling units in the B-3 Special Development District.
- (C) Map Amendment request to rezone from B-3 Special Development District to a Planned Development Overlay District in the Underlying B-3 Special Development District with the following waivers from the Zoning Ordinance:
 - (1) Waiver to reduce the setback for legally subdivided internal parcels.
 - (2) Waiver to reduce the minimum spacing between buildings.
- (D) Zoning Ordinance Variance request to exceed the maximum area for driveways and reduce the minimum landscaped area for yards abutting a street.
- (E) Zoning Ordinance Variance request to permit an additional ground sign.
- (F) Zoning Ordinance Variance request to permit an off-premises ground sign.
- (G) B-3 Special Development District Preliminary and Final Concept Plan approval.

Presentation: Russ Whitaker representing the petitioner(s) (property owner and contract purchasers), gave a presentation discussing the proposed requests. Whitaker gave a brief introduction of two firms seeking the requests Core Spaces and Harrison Street. Whitaker provided the Commission with the history of property which included multiple approved requests in 2016 and 2017 for a natatorium and a multi-family apartment complex. Whitaker also gave an overview of the proposed request being sought in 2022 for an amendment to the comprehensive plan. Whitaker rationalized that the land-use designation of the property as open space was likely done due to the golf course being seen as undeveloped land and not as an indication of the Village's future plans. Whitaker added that the previously approved ordinances from 2016 and 2017 also indicated that the land use designation was a mistake as it did not account for the existing hotel. Whitaker explained that the owner has the legal right to develop the property per the regulation of the B-3 district. Whitaker also noted the petitioner is not seeking to rezone the property. Whitaker also noted that the request for planned development agreement would be overlaid to create stricter covenants for the property. Whitaker also gave a brief synopsis of a site context study of the surrounding properties and the proposed requests. Whitaker provided a site plan and indicated that the proposed development is a built-to-rent community with 239 dwelling units, a club house, and maintenance would be provided by staff not the tenants. Whitaker summarized the appeal of built-to-rent and that demand is growing. Whitaker indicated that the Village demographics is also changing including an increase in household incomes and indicated that the comprehensive plan is in agreement with built-to-rent communities. Whitaker



expounded that the neighboring subdivision of Oakwood has historically had rentals that have not changed the viability of the neighborhood. Whitaker also provided the Commission with a third party professional opinion from John Burns Real Estate Consulting that indicated the proposed location is well suited for a built-to-rent community. Whitaker explained and provided floor plans for the proposed housing, clubhouse, and other onsite amenities. Whitaker also gave a synopsis of the preliminary engineering which includes the stormwater designs, wetland delineation, and preliminary landscaping.

Staff Comment: Deputy Director Joseph Hennerfeind provided the Commission with a summary of each request. Hennerfeind provided an explanation of the difference between a variance request and a waiver request. He gave a summary of the items that are included in the contract for the planned development that includes an itemized list of approved development plans, phasing plans, guarantees to interior and exterior finishes, private and public improvements, amenity improvements, easement and path connections, development maintenance, and a guarantee of a traffic light if needed in the next ten (10) years. Hennerfeind gave a general summary of the remaining requests that includes a request to exceed the maximum area for driveways and reduce the minimum landscaped area for yards abutting a street, a request to permit an additional ground sign, a request to permit an off-premises ground sign, and a B-3 Special Development District Preliminary and Final Concept Plan approval. Hennerfeind also highlighted unresolved issues such as the finalized plan agreement which Village Attorney Zemenak noted is still in review. Hennerfeind also noted that the total number of three (3) and four (4) bedrooms has the potential to change during permitting and that staff has concerns that the proposed path to Ty Warner Park is not ideal due to safety concerns. Hennerfeind also noted that the preliminary landscaping plan will have to be approved by the Village Board to be finalized. Hennerfeind also gave a synopsis of the proposed parking plan and indicated that the proposed density meets the Village's requirements. Hennerfeind gave an explanation on the required land improvements and impact fees.

Village Attorney Zemenak clarified some of the comments that staff provided and that staff's role is to make the project as good as possible before being presented. Zemenak further clarified that when staff reference the Village they are referring to Village Staff not any public officials. Zemenak clarified that a trade off of different items can happen under a planned development in the form of waiver requests.

Public Comment:

Rachel Robert, attorney representing the Oak Brook Hills Condominium Association read a letter signed by Attorney Scott M. Day that was provided to the Planning and Zoning Commission and indicated support of the proposed project in conjunction with the negotiated conservation easement.

Adam Kingsley, attorney representing the Royal Hills Clubs and the Indian Trail Townhome Association indicated that he would be utilizing his allotted time later.

Mary Maselli, a resident of the Indian Trails Townhome, informed the Commission of their concerns related to rentals, traffic, stormwater, and the developers history.

Donna Sutton, a resident of the Indian Trails Townhome informed the Commission that they are against the project citing concerns about the density, lack of accessible parks, traffic, and leasing terms.

Village Attorney John Zemnak intervened to allow the petitioner and staff time to respond to the questions and concerns.



Attorney Russ Whitaker indicated that the leasing requirement is for at least six (6) months and that the estimated average stay will be three (3) to five (5) years. Whitaker also indicated that the zoning ordinance does not differentiate between owner versus rentals occupied dwellings. Whitaker responded to the traffic concerns and explained that the traffic light is not warranted. Whitaker also addressed the concerns related to the rent pricing.

Joe Gatto representing Core Spaces responded to concerns related to the developers past projects and the walkability of the area. Gatto provided references of past projects such as apartment complexes in Boulder, CO and Portland, OR. Gatto also emphasized that the developer has worked with single-family luxury home developers such as LG development.

Joseph Hensurik, a resident of Cordia Senior Residence expressed apprehension to the proposal citing concerns related to the proposed density of the project and the Villages services.

Joseph Hennerfeind responded to these concerns citing that the fire and police departments did not provide comments to these concerns. Hennerfeind also reiterated that the developer would be required to pay municipal impact fees.

Westmont resident Dan Charleston provided comments in support of the proposed project related to density and rent model.

Oakwood resident Jessica Zebrauskas expressed concerns against the requests related to the proposed density and potential effect on the school districts.

Indian Trails resident, Jennifer Swiss also conveyed apprehension toward the requests and provided concerns regarding the proposed rental model, the reduction in greenery, safety, and traffic.

Westmont resident Ed Worst asked the petitioner for clarification related to the density and expressed apprehension to the requests due to the density, traffic and the reduction of green space.

Royal Hills resident Fred Lepenske conveyed worries regarding the golf course and hotel's profits, the definitions of single family, and the financial guarantee of providing maintenance in perpetuity.

Attorney Russ Whitaker responded to the concerns raised including the original relationship between the golf course and the hotel, restrictions on single family occupancies, and the financial instruments to protect the proposed guarantees in the agreement.

Adam Kingsley, attorney representing the Royal Hills Clubs and the Indian Trail Townhome Association provided a copy of the comprehensive plan to the Commission. Kingsley reasoned that the comprehensive plan does not support apartment and rental housing citing specific sections of the comprehensive plan. Kingsley also expressed concerns with the build-to-rent model, the longevity of the development, and questioned the zoning requirements. Kingsley also asked clarification questions directed to staff.

Deputy Director Joseph Hennerfeind indicated that staff's analysis of density was in accordance with the code and that Kingsley's presumptions related to the density analysis were inaccurate.



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Joan Gagen, a resident of Indian Trails voiced discontent to the request and expressed concerns related to the rental model and parking.

Dwayne Newton, a resident of Westmont voiced worries about the type of projects that have been approved by the Commission in the past and stormwater.

Jean Donald asked the petitioner clarification questions, conveyed opposition, and expressed concerns regarding the stability of the proposed community and the impact on the local schools.

Whittaker responded to the concerns and indicated that the rentals would be geared toward a household making \$150,000 a year.

Jean Donald responded to the petitioner's comments and expressed more concern over the stability of housing in the area.

Laurel Rugen, a Westmont resident, expressed consternation over the reduction of green space and the proposed setback of each of the houses.

Rima Birutis, a resident of Oakwood, provided comments regarding the Oakwood Subdivision.

Bill Limey, a resident of Indian Trails, asked the petitioner to describe their plan related to snow removal. Whitaker explained the social spaces would provide the adequate room for snow storage.

Stacy Stackhouse, resident of Liberty Park, voiced concerns regarding the scale of the project, greenspace, stormwater, rentals, noise, and traffic. Stackhouse asked a question regarding home rule status. Attorney Zemenak provided clarification.

Note: Commissioner Harold Barry III left at approximately 10:34pm.

Dwayne Newton asked for clarification regarding the projected tax income. Staff indicated the amount of tax revenue is not relevant to the purview of the Planning and Zoning Commission.

Commissioner Comments:

Scales : Commissioner Scales asked the petitioner and staff clarifying questions regarding the phasing plan, the built to rent model, the SSA, and the lots. Scales affirmed that the developer sought the owner for the sale of the property.

Lavoie : Commissioner Lavoie voiced his disagreement related to the petitioner's comprehensive plan analysis and case studies. Lavoie also expressed concerns related to the development's longevity, the design, maintenance, rental model, and traffic. Lavoie expressed opposition to the proposed requests due to his concerns.

Peterson : Commissioner Peterson thanked staff and had no further comments.

Thomas : Commissioner Thomas expressed opposition to the request citing concern on the longevity and viability of the development.

Van Buren : Commissioner Van Buren expressed opposition to the petitioner's request due to concerns of the surrounding neighborhoods and the comprehensive plans.

Carmichael : Commissioner Carmichael asked the petitioner to clarify if the development would support



electronic vehicle support. Rob Ackler, representing the developer, indicated that the home would support electric vehicle charging.

Staff clarified that the petitioner's proposed electronic vehicle support system was not agreed upon prior.

Carmichael asked the petitioner to clarify if they reached out to the owner or if the owner reached out to the developer regarding a potential purchase. The petitioner gave clarification that they reached out to the owner regarding the purchase and that they believe that the owner was looking for a larger development. The petitioner also asserted that if the development was a more traditional subdivision that may not leave enough room to create a conservation easement or protect the other nine-holes.

Carmichael expressed opposition to the petitioner's request. Carmichael cited that the proposed project does not adhere to the comprehensive plan and that the proposed project does not promote ownership.

Whitaker and Gatto disputed the commissioner's comments and indicated that the built-to-rent model is what the housing market is geared towards.

MOTION A

Motion to recommend to the Village Board of Trustees to approve a request from WCW Landowner, LLC, regarding the property at 3500 Midwest Road, Oak Brook, Illinois, 60523 for a Zoning Ordinance Variance request to permit an off-premises ground sign.

Motion by: Scales
Second by: Peterson

VOTING A

Van Buren: No
Carmichael: No
Thomas: No
Lavoie: No
Barry: Absent
Scales: Yes
Peterson: No

Motion Failed

MOTION B

Motion to recommend to the Village Board of Trustees to approve a request from WCW Landowner, LLC, regarding the property at 3500 Midwest Road, Oak Brook, Illinois, 60523 for a Preliminary Plat of Subdivision to subdivide one (1) parcel into five (5) lots.

Motion by: Scales
Second by: Van Buren

VOTING B



Van Buren: No
Carmichael: No
Thomas: No
Lavoie: No
Barry: Absent
Scales: Yes
Peterson: No

Motion Failed

PZC 060-2022 Requests from WCW Landowner, LLC (Owner), and Core PBSFR Acquisition Vehicle, LLC (Petitioner), regarding the property at 3500 Midwest Road, Oak Brook, Illinois, 60523 for the following:

- (A) Comprehensive Plan Amendment to redesignate approximately 52.8 acres from Parks/Open Space to Single Family Detached Residential.
- (B) Special Use Permit request to allow residential dwelling units in the B-3 Special Development District.
- (C) Map Amendment request to rezone from B-3 Special Development District to a Planned Development Overlay District in the Underlying B-3 Special Development District with the following waivers from the Zoning Ordinance:
 - (1) Waiver to reduce the setback for legally subdivided internal parcels.
 - (2) Waiver to reduce the minimum spacing between buildings.
- (D) Zoning Ordinance Variance request to exceed the maximum area for driveways and reduce the minimum landscaped area for yards abutting a street.
- (E) Zoning Ordinance Variance request to permit an additional ground sign.
- (F) Zoning Ordinance Variance request to permit an off-premises ground sign.
- (G) B-3 Special Development District Preliminary and Final Concept Plan approval.

MOTION A

Motion to recommend to the Village Board of Trustees to approve a request from WCW Landowner, LLC (Owner), and Core PBSFR Acquisition Vehicle, LLC (Petitioner), regarding the property at 3500 Midwest Road, Oak Brook, Illinois, 60523 for a Comprehensive Plan Amendment to redesignate approximately 52.8 acres from Parks/Open Space to Single Family Detached Residential.

Motion by: Scales
Second by: Thomas

VOTING A

Van Buren: No
Carmichael: No
Thomas: No
Lavoie: No
Barry: Absent
Scales: Yes
Peterson: No



Motion Failed

MOTION B

Motion to recommend to the Village Board of Trustees to approve a request from WCW Landowner, LLC (Owner), and Core PBSFR Acquisition Vehicle, LLC (Petitioner), regarding the property at 3500 Midwest Road, Oak Brook, Illinois, 60523 for a Special Use Permit request to allow residential dwelling units in the B-3 Special Development District.

Motion by: Thomas
Second by: Scales

VOTING B

Van Buren: No
Carmichael: No
Thomas: No
Lavoie: No
Barry: Absent
Scales: Yes
Peterson: No

Motion Failed

MOTION C

Motion to recommend to the Village Board of Trustees to approve a request from WCW Landowner, LLC (Owner), and Core PBSFR Acquisition Vehicle, LLC (Petitioner), regarding the property at 3500 Midwest Road, Oak Brook, Illinois, 60523 for a Map Amendment request to rezone from B-3 Special Development District to a Planned Development Overlay District in the Underlying B-3 Special Development District with the following waivers from the Zoning Ordinance: (1) Waiver to reduce the setback for legally subdivided internal parcels. (2) Waiver to reduce the minimum spacing between buildings.

Commissioner Scales proposed a motion to separate the waiver requests from the Map Amendment request.

MOTION C (1)

Motion to recommend to the Village Board of Trustees to approve a request from WCW Landowner, LLC (Owner), and Core PBSFR Acquisition Vehicle, LLC (Petitioner), regarding the property at 3500 Midwest Road, Oak Brook, Illinois, 60523 for a Map Amendment request to rezone from B-3 Special Development District to a Planned Development Overlay District in the Underlying B-3 Special Development District.

Motion by: Van Buren
Second by: Scales

VOTING C (1)

Van Buren: No
Carmichael: No
Thomas: No
Lavoie: No
Barry: Absent



Scales: Yes

Peterson: No

Motion Failed

MOTION C (2)

Motion to recommend to the Village Board of Trustees to approve a request from WCW Landowner, LLC (Owner), and Core PBSFR Acquisition Vehicle, LLC (Petitioner), regarding the property at 3500 Midwest Road, Oak Brook, Illinois, 60523 for a Map Amendment request waiver from the Zoning Ordinance: (1) Waiver to reduce the setback for legally subdivided internal parcels.

Motion by: Scales

Second by: Peterson

VOTING C (2)

Van Buren: No

Carmichael: No

Thomas: No

Lavoie: No

Barry: Absent

Scales: Yes

Peterson: No

Motion Failed

MOTION C (3)

Motion to recommend to the Village Board of Trustees to approve a request from WCW Landowner, LLC (Owner), and Core PBSFR Acquisition Vehicle, LLC (Petitioner), regarding the property at 3500 Midwest Road, Oak Brook, Illinois, 60523 for a Map Amendment request a waiver from the Zoning Ordinance: (2) Waiver to reduce the minimum spacing between buildings.

Motion by: Scales

Second by: Peterson

VOTING C (3)

Van Buren: No

Carmichael: No

Thomas: No

Lavoie: No

Barry: Absent

Scales: No

Peterson: No

Motion Failed

MOTION D

Motion to recommend to the Village Board of Trustees to approve a request from WCW Landowner, LLC (Owner), and Core PBSFR Acquisition Vehicle, LLC (Petitioner), regarding the property at 3500 Midwest Road, Oak Brook,



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Illinois, 60523 for a Zoning Ordinance Variance request to exceed the maximum area for driveways and reduce the minimum landscaped area for yards abutting a street.

Motion by: Scales
Second by: Peterson

VOTING D

Van Buren: No
Carmichael: No
Thomas: No
Lavoie: No
Barry: Absent
Scales: No
Peterson: No

Motion Failed

MOTION E

Motion to recommend to the Village Board of Trustees to approve a request from WCW Landowner, LLC (Owner), and Core PBSFR Acquisition Vehicle, LLC (Petitioner), regarding the property at 3500 Midwest Road, Oak Brook, Illinois, 60523 for a Zoning Ordinance Variance request to permit an additional ground sign.

Motion by: Scales
Second by: Thomas

VOTING E

Van Buren: No
Carmichael: No
Thomas: No
Lavoie: No
Barry: Absent
Scales: Yes
Peterson: No

Motion Failed

MOTION F

Motion to recommend to the Village Board of Trustees to approve a request from WCW Landowner, LLC (Owner), and Core PBSFR Acquisition Vehicle, LLC (Petitioner), regarding the property at 3500 Midwest Road, Oak Brook, Illinois, 60523 for a Zoning Ordinance Variance request to permit an off-premises ground sign.

Motion by: Van Buren
Second by: Scales

VOTING F



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Van Buren: No
Carmichael: No
Thomas: No
Lavoie: No
Barry: Absent
Scales: Yes
Peterson: No

Motion Failed

MOTION G

Motion to recommend to the Village Board of Trustees to approve a request from WCW Landowner, LLC (Owner), and Core PBSFR Acquisition Vehicle, LLC (Petitioner), regarding the property at 3500 Midwest Road, Oak Brook, Illinois, 60523 for a B-3 Special Development District Preliminary and Final Concept Plan approval.

Motion by: Scales
Second by: Thomas

VOTING G

Van Buren: No
Carmichael: No
Thomas: No
Lavoie: No
Barry: Absent
Scales: No
Peterson: No

Motion Failed

Old Business: None.

11. Miscellaneous Items - None

12. Adjourn

Motion by: Scales
Second by: Van Buren

Meeting adjourned at 11:35 PM